

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE CARMEN NAVA MARTINEZ, individually, and on  
behalf of all others similarly situated,

Plaintiff,

-against-

BALLINAS & VASQUEZ CORP. and CECILIO  
BALLINAS, as an individual,

Defendants.  
-----X

Civil Docket No.:

23-cv-08244-ER

**PROPOSED DEFAULT  
JUDGMENT ORDER**

This action was commenced by filing of a Summons and Complaint on September 19<sup>th</sup>, 2023. A copy of the Summons and Complaint was served by personal delivery on Defendants as follows:

1. On September 28, 2023, Defendants BALLINAS & VASQUEZ CORP. and CECILIO BALLINAS, as an individual, were duly served with process via personal service by personally serving Ana Ramirez, co-worker, of suitable age and discretion at 3515 Johnson Ave., Bronx, NY 10463, the Defendants usual place of business. (See Proofs of Service attached hereto as **Exhibit B and C**).
2. Corporate Defendant, BALLINAS & VASQUEZ CORP. was further served with process via the Office of the Secretary of State, on September 29, 2023, pursuant to N.Y. Business Corporation Law § 306. (See Proof of Service attached hereto as **Exhibit D**).
3. Defendant CECILIO BALLINAS, as an individual failed to develop any information that he was in the military upon service of process on each of the above-referenced

dates of service. Upon information and belief, Defendant CECILIO BALLINAS is not in the military nor dependent upon anyone in the military.

4. Upon information and belief, Defendant CECILIO BALLINAS is not an infant nor incompetent. Defendant CECILIO BALLINAS is an adult and is the owner of the Defendant corporate entity sued within.
5. Defendants BALLINAS & VASQUEZ CORP. and CECILIO BALLINAS, as an individual, have failed to retain or be represented by counsel.
6. On January 12, 2024, upon Plaintiff's request, the Clerk of Court entered the default of Defendants BALLINAS & VASQUEZ CORP. and CECILIO BALLINAS, as an individual, for Defendants' failure to appear or otherwise defend in this action pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (*see* Dkt. Nos. 13-14); and
7. Notwithstanding the foregoing, as of the date of this filing, at no point hereto have any of the Defendants responded to the complaint herein, moved, retained counsel on this matter, or otherwise appeared on this matter.
8. Defendants BALLINAS & VASQUEZ CORP. and CECILIO BALLINAS, as an individual, herein have been properly served, are aware of Plaintiff's Complaint and of pendency of this matter against them, and have failed or refused to appear or otherwise defend in this matter.
9. As of the date of this filing, Defendants have demonstrated no intention to appear.
10. Accordingly, it is hereby:

**ORDERED, ADJUDGED AND DECREED:** That Plaintiff JOSE CARMEN NAVA MARTINEZ, has a judgment against Defendants BALLINAS & VASQUEZ CORP. and CECILIO BALLINAS, as an individual, jointly and severally, in the liquidated amount of **\$242,427.14** ~~plus attorney's fees~~ and statutory post-judgment interest accruing pursuant to 28 U.S.C. § 1961, from the date of entry of judgment, until judgment is paid in full.

Dated: New York, New York  
March 6th, 2024

  
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Edgardo Ramos, U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE CARMEN NAVA MARTINEZ, individually, and on behalf of all others similarly situated,

Plaintiff,

-against-

BALLINAS & VASQUEZ CORP. and CECILIO BALLINAS, as an individual,

Defendants,

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**PROPOSED DEFAULT JUDGMENT ORDER**

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**HELEN F. DALTON & ASSOCIATES, P.C.**

Attorneys for Plaintiff  
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Suite 601  
Kew Gardens, New York 11415  
Phone (718) 263-9591  
Fax (718) 263-9598

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TO:

**BALLINAS & VASQUEZ CORP.**

3515 Johnson Ave., Bronx, NY 10463

**CECILIO BALLINAS**

3515 Johnson Ave., Bronx, NY 10463

3515 Paulding Ave Unit 1  
Bronx, NY 10469-1310